

House Families and Aging Committee
Sarah Rahter, Esq.
Opponent Testimony on House Bill 14
March 21, 2023

Dear Legislator,

I am a solo practitioner representing parties in domestic relations, juvenile and probate matters for over ten years in four counties. I am often appointed as Guardian Ad Litem in cases. Guardians ad litem are governed by Superintendence Rule 48 and their entire job is to advocate for the best interest of the child. Child safety is the first priority of Guardians ad litem and should be the first priority of custody adjudications. Accordingly, Ohio has adopted a child-centered process for children and families involved in the legal system. Pursuant to R.C. 3109.04, Ohio Courts allocate parental rights and responsibilities and determine parenting time based on the best interest of the child. In determining the best interest of a child, courts must consider all relevant factors, including, but not limited to the factors codified in 3108.04(F)(1). However, HB 14 shifts Ohio's current child-centric model to a parent-entitlement model. Equal parenting presumption legislation takes necessary discretion away from courts and negates the work of Guardians ad Litem as best interest factors cannot even be considered under HB 14 until detriment to the child is proven based on a preponderance of the evidence. House Bill 14 does not make clear how "detriment" can be shown and as such will require courts to have increased litigation on the matter of "detriment", causing more cost and resulting in less clarity for families.

The vast majority of custody cases are settled out of court and result in some form of shared parenting. The small percentage that must be adjudicated typically involve complex problems such as abuse and patterns of coercive control. Among the small

percentage of cases that are litigated, approximately 75% involve reports of domestic violence and patterns of coercive control. HB 14 would increase litigation as litigation is the only way victims can challenge the equal-parenting-time presumption. HB 14 would be especially detrimental to low-income victims who often will not have the funds to challenge an equal-time mandate. These costs undermine the well-being of parents and children alike. Please oppose HB 14 and preserve Judges' discretion on a case-by-case basis to consider the best interests of the children in custody cases. Only a court's fact-intensive inquiry can take account of each child's unique situation and create a custody order tailored to the child's best interests. Chair Schmidt, Vice Chair Miller, Ranking Member Denson, and members of the House Families and Aging Committee, I thank you for this opportunity to submit opponent testimony for House Bill 14.

Sincerely,

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